

The Honorable Tana Lin

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DENNIS E. DAVIS, individually and on behalf of
all others similarly situated,

Plaintiff,

v.

SYMETRA LIFE INSURANCE COMPANY, an
Iowa corporation,

Defendant.

NO. 2:21-cv-00533-TL

**STIPULATION AND JOINT
MOTION TO MODIFY
SCHEDULING ORDER AND
PROPOSED ORDER**

**Noted on Motion Calendar:
DECEMBER 8, 2022**

Pursuant to Local Civil Rules 16(b)(6) and this Court's Standing Order for All Civil Cases, Section II(G), Plaintiff Dennis Davis and Defendant Symetra Life Insurance Company jointly and respectfully move this Court to modify the current scheduling orders at ECF Nos. 34 and 46.

Good cause exists for the modification and the Parties respectively request the Court consider the following modifications to the case schedule to address the complex and expert intensive nature of the action. The Parties are diligently pursuing discovery and completed rounds of written discovery and document productions. In an effort to keep discovery on track and successfully avoid unnecessary involvement of the Court in discovery disputes, the Parties have met and conferred on a weekly or biweekly basis regarding their respective discovery requests and continued to work cooperatively on providing information and documents on a rolling basis. The materials in the case are highly technical including

actuarial studies and reports used in pricing the universal life insurance policies, policy level data for thousands of putative class members and information on policies that is historical (including over 60 hard copy boxes of initial policy filings with each state). Significant discovery remains as the parties embark on production of data, ESI and witnesses depositions. Based on counsels' experience in similar class actions, counsel anticipate the need for early class expert discovery to as part of the Plaintiff's motion for class certification and Defendant's opposition to certification.

To accommodate the additional fact and expert discovery, the Parties met and conferred and jointly propose modifying the current case schedule by approximately six months as follows (the Parties have not previously requested any modifications to the Case Schedule):

Current		Proposed Modification	
Event	Deadline	Event	Deadline
All motions related to class discovery must be filed by the date	4/17/2023 (ECF 46)	Unchanged	
All motions related to class discovery must be noted on the motion calendar no later than the Friday before discovery closes pursuant to LCR 7(d) or LCR 37(a)(2)	5/12/2023 (ECF 34)	Unchanged	
Class Discovery completed by this date	5/14/2023 (Sunday)	Unchanged	

Current		Proposed Modification	
Event	Deadline	Event	Deadline
All dispositive motions and motions challenging expert witness testimony	6/13/2023	To be determined pending resolution of motion for class certification.	To be determined pending resolution of motion for class certification.
Motion for class certification due and noted on the Court's calendar for the fifth Friday thereafter	12/15/2022 (ECF 34)	Deadline to file Plaintiff's motion for class certification and class expert disclosure	6/15/2023
Deadline for amended pleadings	1/14/2023 (ECF 34)	Deadline for amended pleadings	6/15/2023
Reports from expert witnesses under FRCP 26(a)(2)	3/15/2023 (ECF 34)	Reports from Plaintiff's expert witnesses under FRCP 26(a)(2) for use in support of class certification	6/15/2023
N/A	N/A	Deadline to file Defendant's opposition to Plaintiff's motion for class certification and any objection to Plaintiff's experts	8/14/2023
N/A	N/A	Reports from Defendant's expert witnesses under FRCP 26(a)(2)	8/14/2023

Current		Proposed Modification	
Event	Deadline	Event	Deadline
N/A	N/A	Deadline to file Plaintiff's reply brief in support of class certification motion and any objection to Defendant's experts	9/29/2023
N/A	N/A	Rebuttal reports from Plaintiff's expert witnesses under FRCP 26(a)(2) for use in support of class certification	9/29/2023
Settlement Conference, if mediation has been requested by the parties per LCR 39.1, held no later than	7/18/2023 (ECF 46)		10/31/2023
Mediation per LCR 39.1, if requested by the parties, held no later than	8/17/2023 (ECF 46)		11/30/2023
All motions in limine must be filed by	9/11/2023 (ECF 46)	All other case deadlines, including expert discovery cutoff, last day to file dispositive motion, and trial date, to be determined after the Court's issuance of its decision on plaintiff's class certification. Notwithstanding the foregoing, parties may file any dispositive motion early. Parties will meet and confer within 21 days of the Court's class certification ruling and submit a joint proposed schedule for the Court's consideration.	
Agreed L.R. 16.1 pretrial order due	9/25/2023 (ECF 46)		

Current		Proposed Modification	
Event	Deadline	Event	Deadline
Trial briefs, proposed voir dire questions, proposed jury instructions, deposition designations, and exhibit lists due by this date. Counsel are to confer and indicate with their submissions which exhibits are agreed to.	10/2/2023 (ECF 46)		
Pretrial Conference scheduled for 9:30am	10/10/2023 (ECF 46)		
Jury Trial Set for 9:00am (10 days)	10/16/2023 (ECF 46)		

The Parties believe that phasing the litigation as addressed above will allow the Parties to best address all of the complex issues in the matter and most efficiently present the case to the Court. It is the expectation of the Parties that the proposed schedule will narrow the issues remaining, if any, for trial. Accordingly, the Parties respectfully ask that the Court enter the above stipulated schedule.

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DATED this 8th day of December 2022.

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Counsel for Plaintiff Dennis E. Davis

ORDER

Pursuant to the parties' joint motion to modify scheduling order, the parties' joint proposed schedule is ADOPTED, as set forth below.

Event	Deadline
All motions related to class discovery must be filed by the date	4/17/2023
All motions related to class discovery must be noted on the motion calendar no later than the Friday before discovery closes pursuant to LCR 7(d) or LCR 37(a)(2)	5/12/2023
Class Discovery completed by this date	5/14/2023
Deadline to file Plaintiff's motion for class certification and class expert disclosure	6/15/2023
Deadline for amended pleadings	6/15/2023
Reports from Plaintiff's expert witnesses under FRCP 26(a)(2) for use in support of class certification	6/15/2023
Deadline to file Defendant's opposition to Plaintiff's motion for class certification and any objection to Plaintiff's experts	8/14/2023
Reports from Defendant's expert witnesses under FRCP 26(a)(2)	8/14/2023
Deadline to file Plaintiff's reply brief in support of class certification motion and any objection to Defendant's experts	9/29/2023
Rebuttal reports from Plaintiff's expert witnesses under FRCP 26(a)(2) for use in support of class certification	9/29/2023
Settlement Conference, if mediation has been requested by the parties per LCR 39.1, held no later than	10/31/2023
Mediation per LCR 39.1, if requested by the parties, held no later than	11/30/2023

All other case deadlines, including expert discovery cutoff, last day to file dispositive motion, and trial date are hereby VACATED and will be determined after the Court's issuance of its decision on plaintiff's motion for class certification. Notwithstanding the foregoing, parties may file any dispositive motion early. The Parties are ORDERED to meet and confer within 21

1 days of the Court's class certification ruling and submit a joint proposed schedule for the
2 Court's consideration.

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4 IT IS SO ORDERED.

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6 Dated this 9th day of December, 2022

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10 Tana Lin
11 United States District Judge
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